

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL HILL, et al.

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No. 4:22-CR-110  
Judge Kernodle

**AGREED MOTION TO CONTINUE TRIAL**

The United States files this agreed motion to continue the case. This multi-defendant case was indicted in May 2022, and presently, a pre-trial conference with trial to follow thereafter is scheduled for November 20, 2023. Given the government's conflict with another multi-defendant trial in this district, the recent superseding indictment pulling in additional defendants, and the prospect of multiple pleas, the Government requests a continuance.

First, counsel for the Government has a conflict with another case that has been specially set for the trial on November 6, 2023 (*United States v. Ita, et al.*, 4:21CR253). Because of the number of defendants expected (approximately 10) and the volume of evidence to be presented, the Government expects the *Ita* trial to still be progressing when this trial is scheduled to begin on November 20th. Moreover, in light of the age and procedural posture of the *Ita* matter, the Government anticipates that case will proceed as scheduled on its current date.

Second, on September 13, 2023, a United States Grand Jury returned a superseding

indictment in this case, naming four additional defendants in the conspiracy. These four defendants have not yet made appearances, been arraigned, or even been made aware of the pending indictment.<sup>1</sup> The Government anticipates that it will take time for these individuals to find counsel and view the discovery in this case, which is voluminous and contains dozens of financial records, interview reports, loan applications, audio recordings, and images of electronic devices.<sup>2</sup> Accordingly, in the interest of trying individuals charged in the same conspiracy together, the Government would request a continuance.

Third, the Government continues to have active and productive plea discussions with defense counsel. The Government anticipates that many of the defendants' cases can and will be resolved without a trial, notwithstanding the additional defendants who have been charged. While the Government does anticipate that at least a few defendants will proceed to trial, it would request a continuance to attempt to resolve as many of these cases as possible.

For these reasons, the Government, with concurrence from all but one of the defendants' counsel, seeks a continuance to at least May 2024, at which point the new defendants would have had time to review the discovery and potentially plead and the parties would be able to give the Court a definitive count of the number of defendants and

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<sup>1</sup> As the Court has been made aware in prior filings, there is another defendant (named in the original indictment) who is currently an international fugitive. The Government continues its efforts to locate and apprehend this individual through the pertinent diplomatic and foreign channels.

<sup>2</sup> The Court has already recognized this issue when it granted the motion for complex case designation (Dkt. No. 323).

time needed for trial. This motion is not made for delay but so that justice may be done.

Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

This is to certify that the Assistant United States Attorney for the Government, Anand Varadarajan, has conferred with the defendants' counsel. All counsel agree to the motion except for Joel Petrazio on behalf of Eric Marascio.

/s/ Anand Varadarajan

Anand Varadarajan

**CERTIFICATE OF SERVICE**

I certify a true and correct copy of this motion was served on defense counsel by electronic filing (CM/ECF) on this 19<sup>th</sup> day of September 2023.

/s/ Anand Varadarajan

Anand Varadarajan